REMARKS/ARGUMENTS

Claims 1-35, 68-103 and 136 are pending in this application. Claims 1, 12, 17, 35, 68, 69, 80, 85, 103 and 136 have been amended. The Examiner has not acknowledged receipt of the IDSs that were filed on June 9, 2000 and March 6, 2001. Applicants respectfully request acknowledgment of the above-mentioned IDSs by initialing and returning the attached copies of the same IDSs.

Claims 1-4, 6, 8-14, 16-22, 25, 26, 28-29, 31, 32, 35-72, 74, 76-82, 84-90, 93, 94, 96, 97, 99, 100, 103, and 136 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilson (U.S. Patent 6,169,734), in view of Kondo et al. (U.S. Patent 5,130,985). In view of the above amendments and following remarks, applicants respectfully submit that the application is in condition for allowance, therefore, reconsideration and allowance of the application are respectfully requested.

Independent claim 1 recites a network telephone comprised in part by a "microphone coupled to a network to provide voice data to the network, wherein the network includes voice data and non-voice data" and a "prioritization circuit coupled to the network to apply a first processing priority level to voice data provided by the microphone and a second processing priority level to non-voice data in the network." Applicants respectfully submit that the cited references, alone or in combination, do not disclose or suggest the recited limitations.

The Examiner accurately states that Wilson does not disclose a prioritization circuit coupled to apply prioritization to voice data provided by a network switch. The Office action however states that Kondo et al. discloses a speech packet communication system having a prioritization circuit coupled to apply prioritization to voice data. The Office action further states it would have been obvious to one of ordinary skill in the art to modify the system of Wilson, by using the features, as taught by Kondo et al., in order to provide a low probability that the speech signal will be absent continuously.

Kondo et al. discloses a <u>speech packet communication system</u> including a speech terminal (transmitter). The speech terminal "has a function of determining that the input <u>speech signal</u> involves a speech if the signal exceeds a predetermined threshold level. Further, since the transmitter is capable of determining that one frame interval in which <u>silence changed to a speech</u> is a <u>front-end</u> region depending on a lapse of time and that two frame intervals after <u>the speech</u> input has disappeared is a <u>hangover</u> region, it <u>determines priorities from these parameters</u> (speech/silence, front-end, hangover) and the kinds of the packets (the most significant/least significant packets), as shown in FIG. 1." (Col. 7, lines 48-58, emphasis added).

Moreover, in the <u>speech packet communication system</u> of Kondo, an "encoded <u>speech signal</u> is divided into the most significant bits indicative of the characteristic portion <u>of a voice</u> in the speech signal and the least significant bits indicative of an auxiliary portion <u>of the voice</u>. The most and

least significant bits [of the speech signal] are given respective bits indicative of predetermined priorities." (Kondo et al., col. 7, lines 41-47, emphasis added). For example, a "low priority is assigned to both of the most and least significant packets in a <u>silent portion</u> of the speech signal. Therefore, even if a transit node in a high traffic state discards a packet [of speech signal] assigned low priority, a deterioration in a reproduced speech quality is minimized." (Kondo et al., col. 5, lines 26-31, emphasis added).

Thus, the system of Kondo prioritizes various portions of an encoded <u>speech signal</u> according to its effect on the quality of reproduced speech. Kondo et al. does not however disclose or suggest a network including voice data and non-voice data, nor does it suggest "applying a first processing priority level to voice data provided by the microphone and a second processing priority level to non-voice data in the network," as recited in claim 1 of the present invention. Accordingly, applicants respectfully submit that claim 1 recites a novel and unobvious method over the cited references and is therefore allowable. Applicants further submit that claims 2-11 that depend directly or indirectly from claim 1 are allowable as is claim 1 and for additional limitations recited therein.

Similarly. independent claim 12 recites a network telephone comprised in part by "a switch controller having at least one port for facilitating electrical communication with a network, wherein the <u>network includes voice data and non-voice data, and</u> wherein the switch controller is configured to assign a first processing priority level to <u>voice data</u> and a second processing

priority level to <u>non-voice data</u>" Applicants respectfully submit that the cited references, alone or in combination, do not disclose or suggest the recited limitations.

Rather, as argued above with respect to claim 1, the system of Kondo et al. prioritizes various portions of an encoded <u>speech signal</u> according to its effect on the quality of reproduced speech. Applicants therefore respectfully submit that claim 12 recites a novel and unobvious apparatus over the cited references and is therefore allowable. Applicants further submit that claims 13-34 that depend directly or indirectly from claim 12 are allowable as is claim 12 and for additional limitations recited therein.

Further independent claim 35 recites a network telephone comprised in part by "a network including voice data packets and non-voice data packets" and "a prioritization circuit coupled to a network including voice data packets and non-voice data packets to tag voice data packets with information representative of a priority thereof to ensure that the voice data packets are given a higher processing priority than <u>non-voice packets</u>." Applicants respectfully submit that the cited references, alone or in combination, do not disclose or suggest the recited limitations.

Rather as argued above with respect to claim 1, the system of Kondo prioritizes various portions of an encoded speech signal according to its effect on the quality of reproduced speech. Applicants therefore respectfully submit that claim 35 recites a novel and unobvious apparatus over the cited references and is therefore allowable.

In addition, independent claim 68 recites a network telephone system comprised in part by a network including voice data packets and non-voice data packets, and a "network switch coupled to the network to assign a first priority level to voice data packets and a second priority level to non-voice data packets." Applicants respectfully submit that the cited references, alone or in combination, do not disclose or suggest the recited limitations.

Rather, as argued above with respect to claim 1, the system of Kondo prioritizes various portions of an encoded speech signal according to its effect on the quality of reproduced speech. Applicants therefore respectfully submit that claim 68 recites a novel and unobvious apparatus over the cited references and is therefore allowable.

Similarly, independent claim 69 recites a method for communicating voice via a network including voice data and non-voice data, the method comprised in part by "prioritizing voice data provided by the microphone over non-voice data." Applicants respectfully submit that the cited references, alone or in combination, do not disclose or suggest the recited limitations.

Rather, as argued above with respect to claim 1, the system of Kondo prioritizes various portions of an encoded speech signal according to its effect on the quality of reproduced speech. Applicants therefore respectfully submit that claim 69 recites a novel and unobvious method over the cited references and is therefore allowable. Applicants further submit that claims 70-79 that depend directly or indirectly from claim 69

are allowable as is claim 69 and for additional limitations recited therein.

In addition, independent claim 80 recites a method for "using a switch controller having at least one port to facilitate electrical communication with a network, wherein the network includes voice packets and non-voice packets and, wherein the switch controller is configured to prioritize processing of voice packets over non-voice packets." Applicants respectfully submit that the cited references, alone or in combination, do not disclose or suggest the recited limitations.

Rather as argued above with respect to claim 1, the system of Kondo prioritizes various portions of an encoded speech signal according to its effect on the quality of reproduced speech. Applicants therefore respectfully submit that claim 80 recites a novel and unobvious method over the cited references and is therefore allowable. Applicants further submit that claims 81-102 that depend directly or indirectly from claim 80 are allowable as is claim 80 and for additional limitations recited therein.

Further, independent claim 103 a method for communicating voice via a network including voice packets and non-voice packets, the method comprised in part by "tagging voice packets with information representative of a priority thereof to ensure the tagged voice packets are given a higher processing priority than non-voice packets." Applicants respectfully submit that the cited references, alone or in combination, do not disclose or suggest the recited limitations.

Rather as argued above with respect to claim 1, the system of Kondo prioritizes various portions of an encoded speech signal according to its effect on the quality of reproduced speech. Applicants therefore respectfully submit that claim 103 recites a novel and unobvious method over the cited references and is therefore allowable.

In addition, independent claim 136 recites a method for communicating voice comprised in part by "providing a network including voice packets and non-voice packets;" and "applying a higher prioritization to voice packets than non-voice packets to ensure that the voice packets are given a higher processing priority than the non-voice packets…" Applicants respectfully submit that the cited references, alone or in combination, do not disclose or suggest the recited limitations.

Rather as argued above with respect to claim 1, the system of Kondo prioritizes various portions of an encoded speech signal according to its effect on the quality of reproduced speech. Applicants therefore respectfully submit that claim 136 recites a novel and unobvious method over the cited references and is therefore allowable.
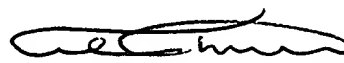
It is therefore respectfully submitted that pending claims 1-35, 68-103 and 136 are in condition for allowance, and an early notice of allowance is respectfully requested.

Respectfully submitted,

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